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Total Number of Pages in This Submission

Application Number	10/030,386
Filing Date	May 16, 2002
First Named Inventor	Martin Sagasser et al.
Art Unit	1638
Examiner Name	Russell Kallis
Attorney Docket Number	DEBE:005US

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard.
<div>Remarks</div> <p>Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright &amp; Jaworski L.L.P. Account No.: 50-1212/DEBE:005US/SLH</p>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulbright & Jaworski, LLP		
Signature			
Printed name	Steven L. Highlander		
Date	May 11, 2005	Reg. No.	37,642

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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May 11, 2005 Date	 Steven L. Highlander

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Martin Sagasser et al.

Serial No.: 10/030,386

Filed: May 16, 2002

For: PLANTS WITH MODIFIED GENE  
EXPRESSION

Group Art Unit: 1638

Examiner: Russell Kallis

Atty. Dkt. No.: DEBE:005US/SLH

**RESPONSE TO RESTRICTION REQUIREMENT DATED DECEMBER 9, 2004**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Restriction Requirement dated April 20, 05 for which the date for response is May 20, 2005.

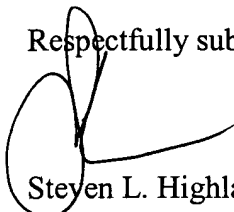
It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEBE:005US/SLH.

In response to the restriction requirement which the Examiner imposed, Applicants elect, to prosecute claims 13-22, 24-27, 29-30, *i.e.*, the Group IV claims and SEQ ID NO: 4. However,

applicants traverse the selection of only SEQ ID NO: 4 and would request that examiner consider searching a nucleic acid SEQ ID NO: 2 as well, given the structural similarities between the two.

The Examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven L. Highlander', is written over the printed name.

Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

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Date: May 11, 2005